

REMARKS

STATUS OF CLAIMS

Claims 1-37 are pending.

Claims 1-5, 28, 30, 32, 34, 36 and 37 are rejected under 35 USC 103(a) as being unpatentable over Shima (US pub. no. 2002/4802). In the previous Office Action, these claims were rejected as being anticipated under 35 USC 102(e) over Shima.

Claims 5, 29, 31, 33 are rejected under 35 USC 102(e) as being anticipated by Szlam (US Patent No. 6,359,892).

Claims 6-10, 12-17 and 25 are rejected under 35 USC 103(a) as being unpatentable over Shima and Szlam.

Claims 11, 18-24, 26, 27 and 35 are allowed.

CLAIM AMENDMENTS

Claims 1-10, 12-17, 25, 28-34 and 36-37 are amended.

Thus, claims 11, 18-24, 26, 27, and 35 are allowed, and claims 1-10, 12-17, 25, 28-34 and 36-37 stand rejected and remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment. The foregoing rejections are hereby traversed.

35 USC 102 AND 103 REJECTIONS

Claims 1-5, 28, 30, 32, 34, 36 and 37 are rejected under 35 USC 103(a) as being unpatentable over Shima (US pub. no. 2002/4802). In the previous Office Action, these claims were rejected as being anticipated under 35 USC 102(e) over Shima.

The only rationale difference by the Examiner from the previous Office Action is on page 3, first complete paragraph, starting on line 6. Essentially, the Examiner asserts that although Shima discloses controlling terminals on a packet-switched network that are not expressly phone terminals, substituting the present invention's phone terminal for one of the Shima terminals would be obvious. In other words, Examiner alleges that Shima discloses packet-switched network control of devices, in which the controlled devices can be phones. More particularly, the Examiner asserts in page 3 of the Office Action:

Shima does not disclose that the terminal is a phone terminal. However, voice communications over the packet switched network has long known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to replace a scanner or a printer with a phone device in Shima's system, and carry out the same method as taught by Shima, for controlling devices located separated over a packet switched network (page 3 of the Office Action).

The independent claims 5, 29, 31 and 33, which are generally directed to a packet switched phone, are maintained rejected as being anticipated by Szlam under 35 USC 102(e).

However, both Shima and Szlam, either alone or as combined, do not directly control a packet-switched phone regarding "a packet-switched network phone call function" or "a phone function" control of a packet-switched phone (see amended independent claims 1-6, 28-34, and 36-37). In contrast to Shima and Szlam, the present claimed invention provides "a packet-switched phone controller that is directly communicably connectable on a packet-switched network with a packet-switched phone, via respective packet-switched input/output interfaces" (e.g., amended claim 3). More particularly, the packet-switched network phone and the packet-switched phone controller operate based upon control commands exchanged between the packet-switched network phone controller and the packet-switched phone (see, FIGS. 1, 2 and 6 of the present Application). In particular, the present invention's "packet-switched phone controller" controls "a packet-switched network phone call" between one packet-switched phone and another packet-switched phone. However, Shima and Szlam differ from the present invention, because neither Shima and Szlam disclose or suggest present invention's claimed

"packet-switched phone controller" controlling "a packet-switched network phone call" between one packet-switched phone and another packet-switched phone. In other words, Shima and Szlam do not disclose or suggest anything about the present invention's, "packet-switched network phone call function."

As mentioned above, in page 3 of the Office Action, the Examiner asserts that voice over a packet switched network are well known, and thus applying network control of office devices, such as a scanner or printer, as disclosed in Shima, to control a packet-switched phone would be obvious. The Applicant's respectfully disagree with the Examiner, because the present invention is directed to providing a packet-switched network phone and a packet-switch network phone controller that via a direct communication controls a packet-switched network phone call communication of the packet-switched network phone as well as controls functions of the packet-switched network phone.

Shima's device 11, in FIG. 1, does not have the capability, and does not contemplate, performing the present claimed invention's, "controlling from the packet-switched phone terminal at least one of a of the packet-switched network phone call communication function with another packet-switched phone on the packet-switched network and/or the phone and a function, according to the call function control command and/or the phone function control command from the packet-switched phone controller of the phone terminal, on the packet switched network in accordance with the instruction from the information terminal" (e.g., amended claim 1). In other words, even if by using web technology, Shima's controller 1 can control a network device 11 to stores files or documents via any network, such as the telephone network or a packet-switched network, however, Shima does not contemplate, disclose or suggest, or provide any motivation for, the present invention's claimed establishment of a packet-switched network phone communication system. In other words, it would not be obvious to modify Shima to provide the present invention's, "packet-switched phone controller" controlling "a packet-switched network phone call" between one packet-switched phone and another packet-switched phone.

The independent claims 1-6, 28-34, and 36-37 are amended to clearly recite the idea of the present invention, which differs from the related art configuration of using a personal computer as an IP phone (see, page 3, line 20 to page 4, line 4, and page 5, lines 10-17 of the specification). For example, page 36, line 4 to page 37, line 8, describes the present invention's packet-switched phone communication control system, in which a "packet-switched phone controller" controls "a packet-switched network phone call" between one packet-switched phone and another packet-switched phone. The present invention, using claim 1 as an example, provides:

1. (CURRENTLY AMENDED) A packet-switched network phone communication control method, used in a communication system having a phone terminal and an information terminal, configured for communication on a packet switched network, the method comprising:
 - providing a packet-switched phone controller having a first packet-switched input/output interface;
 - providing a packet-switched phone having a second packet-switched input/output interface and directly communicably connectable via a packet-switched network with the packet-switched phone controller via the respective first and second packet-switched input/output interfaces;
 - sending from the information terminal packet-switched phone controller to the packet-switched phone terminal an instruction related to control of the phone terminal a control command for a packet-switched network phone call function on said packet switched network and/or a phone function control command, and
 - controlling from the packet-switched phone terminal at least one of a of the packet-switched network phone call communication-function with another packet-switched phone on the packet-switched network and/or the phone and a function, according to the call function control command and/or the phone function control command from the packet-switched phone controller of the phone terminal, on the packet switched network in accordance with the instruction from the information terminal.

Support for the claim amendments can be found, for example, in page 46, line 18 to page 66, line 19 (in particular, page 61, line 14 to page 66, line 19), and FIGS. 1, 2, 6, 14, 15, 17, 18 and 19, of the present Application.

Regarding the anticipatory rejections of independent claims 5, 29, 31, and 33, Szlam's phones 217 do not have the capability, and do not contemplate, the present invention's, "controlling from the packet-switched phone terminal at least one of a of the packet-switched network phone call communication-function with another packet-switched phone on the packet-

switched network and/or the phone and a function, according to the call function control command and/or the phone function control command from the packet-switched phone controller of the phone terminal, on the packet-switched network in accordance with the instruction from the information terminal" (e.g., amended claim 1). In other words, Szlam's phones 217 do not communicate over a packet-switched network, because the phones 217 are PBX type telephone line phones (or telephone network phones). Szlam does not contemplate replacing the telephone network phones 217 with packet-switched network phones used in the present invention. Thus, Szlam cannot anticipate independent claims 5, 29, 31 and 33.

Also regarding Szlam, the Examiner in page 7 of the Office Action asserts that Szlam's controller 225 (in FIG. 2B) can receive commands from remote communication device 10 and send the command to an appropriate device such as the PBX 216 (see, Szlam, column 9, lines 36-61). The Examiner appears to assert that in Szlam, the controller 225 can provide or command desired telephony functions from the remote device 10 to other remote devices 10 via the PBX 216. However, Szlam uses a telephone network (exchange) 215, the telephone network phones 217, and other telephone network phones, where the phones are telephone network phones rather than packet-switched network phones. Although Szlam discloses an Internet connection, Szlam's Internet connection is not provided to establish a phone communication between the telephone network phones 217 and other telephone network phones, as disclosed in Szlam, column 8, lines 1-65, which differs from the present invention's "packet-switched phone controller" controlling "a packet-switched network phone call" between one packet-switched phone and another packet-switched phone. Therefore, Szlam does not contemplate and does not relate to the present invention's packet-switched network phone system and cannot anticipate independent claims 5, 29, 31 and 33.

Therefore, both Shima and Szlam do not disclose or suggest the packet-switched network call communication functions that can be controlled via a user input by the packet-switched phone controller of the present invention (see, claim 6 and FIG. 14 of the present Application). The claimed present invention is directed to controlling packet-switched voice-communication terminals (packet-switched phones), such as IP-based telephones, videophones, television conference phones, etc. In contrast to Shima and Szlam, the present claimed invention provides,

... sending from the ~~information terminal~~packet-switched phone controller to the packet-switched phone terminal an ~~instruction related to control of the phone terminal~~a control command for a packet-switched network phone call function on said packet switched network and/or a phone function control command, and

controlling from the packet-switched phone terminal at least one of a of the packet-switched network phone call communication-function with another packet-switched phone on the packet-switched network and/or the phone and a-function, according to the call function control command and/or the phone function control command from the packet-switched phone controller of the phone terminal, on the packet switched network in accordance with the instruction from the information terminal. (e.g., amended claim 1).

The present invention's "packet-switched phone controller" is "directly communicably connectable on a packet-switched network with a packet-switched phone, via respective packet-switched input/output interfaces" (e.g., amended claim 3, see also claim 1). Contrary to the Examiner's obviousness suggestion to reject the independent claims 1-4, 28, 30, 32, 34, and 36-37, it would not be obvious to one skilled in the art to modify Shima to provide the present invention's "packet-switched phone controller," which is connected directly to each packet-switched phone, and "~~sending from the information terminal~~packet-switched phone controller to the packet-switched phone terminal an ~~instruction related to control of the phone terminal~~a control command for a packet-switched network phone call function on said packet switched network and/or a phone function control command" (e.g., amended claim 1) to control the packet-switched phones utilized for voice and/or visual communication.

INDEPENDENT CLAIMS 7, 8, 12 AND 13`

Further, the Examiner's rationale rejecting the dependent claims 7, and 13, depending from independent claim 6, is not appropriate, as these two claims should also be allowable in view of the other allowed claims by reciting specific packet-switched network phone call functions. For example, dependent claim 7 recites,

7. (CURRENTLY AMENDED) The packet-switched network multimedia phone communication control system according to claim 6, wherein said phone controller of ~~said each packet-switched phone terminal~~ further generates a control command that reports a state of the packet-switched network multimedia phone communication call function with said other ~~packet-switched phone terminal~~ on said packet switched network, and sends said packet-switched network multimedia phone communication call function state control command to said ~~information terminal~~ packet-switched phone controller.

Dependent claims 8 and 12 are amended to tie the data storage of the packet-switched phone to recording packet-switched network phone call messages, which should also be allowable in view of the other allowed claims by reciting a specific packet-switched network phone call functions. For example, dependent claim 8 recites,

8. (CURRENTLY AMENDED) The packet-switched network multimedia phone communication control system according to claim 6, wherein

~~said each packet-switched phone terminal~~ further has a data storage storing packet-switched network phone call messages ~~predetermined data~~,

said terminal controller of said ~~information terminal~~ packet-switched phone controller further generates a control command that instructs retrieval of the phone call message data stored in said packet-switched phones phone terminal, and

~~said each~~ phone controller of ~~said each~~ packet-switched phone terminal acquires, based on said retrieval control command, said phone call message data from said data storage, further generates a control command including said acquired phone call message data, and sends said acquired phone call message data control command to said ~~information terminal~~ packet-switched phone controller.

Support for claims 8 and 12 can be found, for example, on page 66, line 20 to page 72, line 5; and page 86, line 21 to page 89, line 8, respectively. Therefore, at least dependent claims 7, 8, 12, and 13 should be allowable.


CONCLUSION

In view of the claim amendments and the remarks, withdrawal of the rejections of claims 1-10, 12-17, 25, 28-34 and 36-37 and allowance of these claims is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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